



**IT IS ORDERED as set forth below:**

**Date: June 17, 2020**

A handwritten signature in black ink, appearing to read "James R. Sacca".

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**James R. Sacca**  
**U.S. Bankruptcy Court Judge**

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

IN RE:	)	CASE NO. 19-21018-JRS
	)	
RALPH EDWARD JESTER,	)	CHAPTER 13
	)	
Debtor.	)	
_____	)	
	)	
U.S. BANK TRUST NATIONAL	)	CONTESTED MATTER
ASSOCIATION, AS TRUSTEE OF	)	
THE LODGE SERIES IV TRUST,	)	
	)	
Movant,	)	
	)	
vs.	)	
	)	
RALPH EDWARD JESTER,	)	
NANCY J. WHALEY, Trustee,	)	
	)	
Respondents.	)	
_____	)	

**CONSENT ORDER**

U.S. Bank Trust National Association, as Trustee of the Lodge Series III Trust, c/o SN Servicing Corporation, its servicing agent ("Movant"), filed a Motion for Relief

from Stay on May 6, 2020 (Doc. No. 38) ("Motion"), and the hearing on the Motion was scheduled for June 11, 2020 at 10:30 a.m. Movant and Debtor have consented to the terms herein without any opposition from the Chapter 13 Trustee, and good cause has been shown. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1.

Debtor acknowledges being delinquent on the post-petition payments as set forth under the terms and conditions of the subject loan documents attached to the Motion and incorporated herein by reference ("Loan Documents"). The arrearage is in the amount of \$9,065.79 and consists of the post-petition payments for January 2020 through and including May 2020 in the amount of \$1,628.31 each, and \$850.00 attorney's fees and \$181.00 costs incurred by Movant in bringing the Motion, minus \$106.76 in suspense.

2.

All payments made pursuant to this Consent Order shall have the subject loan number xxxxxx5709 written thereon and shall be made payable and remitted directly to Movant, c/o Rushmore Loan Management Services, LLC, Attn: Bankruptcy Department, P.O. Box 52708, Irvine, CA 92619-2708. Debtor shall remit \$4,000.00 in certified funds instantler and shall then cure the balance of the post-petition arrearage by remitting \$422.15 on or before the fifteenth day of each month for the period of June 2020 through and including April 2021, and \$422.14 on or before May 15, 2021.

3.

Debtor shall make all payments under this Consent Order in strict compliance with the terms herein and shall make the post-petition payments for June 2020 through and including May 2021 in strict compliance with the terms of the Loan Documents.

4.

In the event of a default on any of the payments set forth in Paragraphs Two or Three above, Movant or Movant's counsel shall give written notice, by first class mail to Debtor and via email to Debtor's counsel, of Debtor's default and right to cure the default within ten (10) days from Debtor's receipt of the written notice. Debtor shall be presumed to have received the written notice on the fifth (5th) calendar day following mailing of said notice by Movant or Movant's counsel provided that said notice was properly addressed and that sufficient postage was affixed thereto. Movant shall be entitled to attorney's fees of \$85.00 per default notice, plus mailing costs. Upon Debtor's failure to cure within the ten-day period, Movant or Movant's counsel may file an affidavit of default and a delinquency motion, both to be served upon Debtor, Debtor's counsel, and the Chapter 13 Trustee. The Chapter 13 Trustee shall have twenty (20) days from the date the Delinquency Motion is filed to file a motion to convert this case to a Chapter 7. If a motion to convert is not filed within the requisite time, then this Court may, without further notice or hearing, enter an order that terminates the automatic stay as follows:

- a) The Motion is granted;
- b) The stay set forth in FBR 4001(a)(3) is waived, and the automatic stay is terminated as to Movant so that it may pursue and enforce under non-bankruptcy law any and all rights it has in and to that certain real property, as more particularly described in the Loan Documents, commonly known as 801 Carmon Court, Winder, GA 30680 ("Real Property"), including, but not limited to, advertising and conducting a foreclosure sale, seeking confirmation of the sale in order to pursue any deficiency, and seeking possession of the Real Property. However, Movant and/or its successors and assigns may offer, provide, and enter into a potential forbearance agreement, loan modification, refinance agreement, short sale, deed in lieu of foreclosure, or any other type of loan workout/loss mitigation agreement. Movant may contact Debtor via telephone or written correspondence to offer any such agreements; and
- c) The Chapter 13 Trustee shall cease funding Movant's pre-petition claim. Upon completion of any foreclosure sale by Movant during the pendency of this case, all proceeds exceeding Movant's lawful debt that would

otherwise be payable to the Debtor shall be promptly remitted to the Chapter 13 Trustee. Movant is granted leave to seek allowance of a deficiency claim, if appropriate, but Debtor and the Chapter 13 Trustee shall be entitled to object to said deficiency claim.

[END OF DOCUMENT]

PREPARED BY AND CONSENTED TO:

Attorney for Movant

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Marc E. Ripps

Georgia Bar No. 606515

P.O. Box 923533

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(770) 448-5377

Email: meratl@aol.com

CONSENTED TO:

Attorney for Debtor

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Schuyler Elliott

(By Marc E. Ripps, Esq. with express permission)

Georgia Bar No. 244002

Schuyler Elliott & Associates, Inc.

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Email: semecca@aol.com

NO OPPOSITION:

Chapter 13 Trustee

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Eric W. Roach

(By Marc E. Ripps, Esq. with express permission)

Georgia Bar No. 143194

Attorney for the Chapter 13 Trustee

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303 Peachtree Center Avenue

Atlanta, GA 30303

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Email: eroach@njwtrustee.com

**DISTRIBUTION LIST ON CONSENT ORDER**

Pursuant to LR 9013-3(c) NDGa., the Consent Order shall be served upon the following parties in interest:

Marc E. Ripps, Esq.  
P.O. Box 923533  
Norcross, Georgia 30010-3533

Nancy J. Whaley, Esq.  
Chapter 13 Trustee  
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Ralph Edward Jester  
801 Carmon Court  
Winder, GA 30680